IN THE UNITED STATES DISTRICT COURT FOR THE NORTHERN DISTRICT OF TEXAS

STATE OF TEXAS, et al.,)
Plaintiffs,))
v.	Case No. 2:21-CV-00229-Z
XAVIER BECERRA, et al.,))
Defendants.)))

<u>DEFENDANTS' NOTICE OF FILING OF CERTIFIED INDEX</u> <u>AND ADMINISTRATIVE RECORD</u>

Pursuant to this Court's scheduling order of November 17, 2021, ECF No. 13, Defendants respectfully submit the attached certified index of the administrative record for CMS Interim Final Rule with Comment Period entitled "Medicare and Medicaid Programs; Omnibus COVID-19 Health Care Staff Vaccination," 86 Fed. Reg. 61,555 (Nov. 5, 2021), as well as the administrative record itself.

Dated: November 28, 2021 Respectfully submitted,

BRIAN M. BOYNTON Acting Assistant Attorney General

MICHELLE R. BENNETT Assistant Branch Director Federal Programs Branch

/s/ Joel McElvain
JOEL McELVAIN
Bar No. 448431(DC)
Senior Trial Counsel

JULIE STRAUS HARRIS Bar No. 1021298(DC) Senior Trial Counsel

JONATHAN D. KOSSAK Bar No. 991478(DC)

Trial Attorney

MICHAEL L. DREZNER Bar No. 83836(VA) Trial Attorney

U.S. Department of Justice Civil Division, Federal Programs Branch 1100 L Street NW Washington, DC 20530 Tel: (202) 616-8298 Fax: (202) 616-8470

Email: Joel.L.McElvain@usdoj.gov

Attorneys for Defendants